

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of September 17, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiencies and credit any overpayments to Deposit Account No. 50-0951.

### **Claim Rejections – 35 USC § 103**

Claims 1-8, 10-17, 19-26, and 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,420,975 to Blades, *et al.* (hereinafter Blades) in view of U.S. Patent 5,386,494 to White (hereinafter White), and further in view of U.S. Patent 5,884,249 to Namba (hereinafter Namba).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1 in an effort to even more clearly define the present invention. Applicants have cancelled Claims 9-27 and 29-30. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### **Aspects of Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by

amended Claim 1, is a method of aiding a visual search in a list of learnable speech commands by making less commonly-used commands more salient and more commonly-used commands less salient.

The method can include presenting a display list of speech commands to a user; monitoring whether the user has uttered one of the commands; and measuring an evidentiary value related to the utterance of the uttered one of the commands, wherein the measuring comprises determining an initial time that a previous utterance uttered by the user ended, determining a succeeding time that the utterance of the uttered one of the commands started, and computing a time elapsed between the initial and succeeding times, the evidentiary value being the time elapsed between the end of a previous utterance and the start of the utterance of the uttered one of the commands. See, e.g., Specification, paragraphs [0027] and [0021].

The method also can include comparing the measured evidentiary value to a programmed value; if the measured evidentiary value is less than the programmed value, decreasing a salience of the command; and if the measured evidentiary value is equal to or greater than the programmed value, maintaining the salience of the command the same or increasing the salience of the command. See, e.g., Specification, paragraphs [0021] and [0022].

### **The Claims Define Over The Prior Art**

It was asserted in the first paragraph on page 9 of the Office Action that the substance of Applicant's argument is directed against each of the three cited references, individually; however, it is well established that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references.

However, it is noted that Applicants did not attack references individually, but rather showed that the references do not teach what they were alleged to teach. If certain limitations (such as making less commonly-used commands more salient and more commonly-used commands less salient) are not shown by any of the cited references, it is certainly reasonable to conclude that the limitations are also not shown by a combination of the references.

Applicants maintain that none of the individual references or their combination suggests the important aspect of the present invention, namely to make frequently used voice commands less visually salient and to make infrequently used voice commands more visually salient. All previous work in this area (including the references cited by the Examiner) was focused on making frequently used commands more visually salient and infrequently used commands less visually salient. For example, a careful reading of Blades shows that the intention of Blades was to delete or dim infrequently selected menu options for the purpose of increasing the salience of frequently chosen options, which is the opposite of what is taught in the present invention.

It was asserted in the third paragraph on page 9 of the Office Action that White is in analogous art as it is directed to the same problem of presenting selectable menu options commands (White, col. 10, lines 23-25) as well as the same field of endeavor of data processing systems ("data processing system," White, see claim 1). However, even assuming White is in analogous art of presenting selectable menu options commands, White does not disclose the important concept of the present invention, namely making less commonly-used commands more salient and more commonly-used commands less salient.

It was asserted in the first paragraph on page 11 of the Office Action that Namba teaches it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to use an evidentiary value comprising a time elapsed between utterances.

However, it is noted that even assuming Namba does disclose the use an evidentiary value comprising a time elapsed between utterances, Namba does not disclose the important concept of the present invention, namely making less commonly-used commands more salient and more commonly-used commands less salient.

Therefore, none of cited references (Blades, White, and Namba) or their combination discloses the important concept of the present invention, namely making less commonly-used commands more salient and more commonly-used commands less salient. More specifically, none of cited references or their combination discloses "comparing the measured evidentiary value to a programmed value; if the measured evidentiary value is less than the programmed value, decreasing a salience of the command; and if the measured evidentiary value is equal to or greater than the programmed value, maintaining the salience of the command unchanged or increasing the salience of the command," as recited in Claim 1 of the instant application.

It is noted that Applicants argued in the previous response that in Namba the estimated input time is compared with other estimated input times; whereas in the present invention the measured length of time elapsed between utterances is compared with a predetermined programmed value. The Examiner has not commented on this aspect.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

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Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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/Gregory A. Nelson/

Gregory A. Nelson, Registration No. 30,577

Yonghong Chen, Registration No. 56,150

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000